

Approved by OMB
3080-0440
Expires 12/31/90

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FCC/MELLON JAN 28 1994

DUPLICATE FILE COPY ORIGINAL

01-31-94 8300363 001

Please read instructions on back of this form before completing it. Section I MUST be completed if you are applying for concurrent actions which require you to list more than one Fee Type Code; you must also complete Section II. This form must accompany all payments. One Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

BAH

SECTION I

APPLICANT NAME (Last, first, middle initial)

Paul Kelley d/b/a American Teltronix

PR 93-35

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

Lukas, McGowan, Mace & Gutierrez

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

1819 H Street N.W., Suite 700

CITY

Washington, D.C.

STATE OR COUNTRY (if foreign address)

ZIP CODE

20006

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

(1)

FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

P D W

0 0 0 1

\$ 105.00

SECTION II

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

(3)

(4)

(5)

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$ 105.00

FOR FCC USE ONLY

105.00

LUKAS, MCGOWAN, NACE & GUTIERREZ

CHARTERED

1819 H STREET, N.W.
SEVENTH FLOOR
WASHINGTON, D.C. 20006

RUSSELL D. LUKAS
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GEORGE L. LYON, JR.
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MARCI E. GREENSTEIN⁺
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BOB J. GOLDBERG
J. JUSTIN MCCLURE⁺⁺
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HOPE HALPERN⁺

⁺ ADMITTED IN PENNSYLVANIA ONLY
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93-35

January 28, 1994

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Terry B. Fishel, Chief
Land Mobile Branch
Licensing Division
Federal Communications Commission
1270 Fairfield Road
Pittsburgh, Pennsylvania 17325-7245

Re: Paul Kelley d/b/a American Teltronix
REQUEST FOR RULE WAIVER

To Whom It May Concern:

Pursuant to Section 90.151 of the Federal Communications Commission's ("FCC" or "Commission") Rules and Regulations, Paul Kelley d/b/a American Teltronix, ("Amtel") respectfully requests a waiver of Section 90.495(a)(1) to obtain exclusive use of its constructed and operational Private Carrier Paging ("PCP") frequency 929.4625 MHz at seven of its authorized locations.

In its recent Report and Order,¹ the Commission amended its rules governing private paging service in the 929-930 MHz band to grant channel exclusivity to qualified local, regional and national private paging systems. With respect to local systems, the FCC adopted provisions to grant local exclusivity to all 900 MHz private paging systems comprised of at least six contiguous transmitters, except in the three largest metropolitan markets, where a larger number of transmitters would be required. The rules provide that a transmitter will be considered contiguous if: 1) it is within twenty-five miles of at least one other transmitter in the system; and, 2) it is not co-located with another transmitter being counted toward the minimum on the same frequency. Amtel

¹ Report and Order, Amendment of the Commission's Rules To Provide Channel Exclusivity To Qualified Private Paging Systems At 929-930 MHz, PR Docket No.93-35, ___ FCC 2d ___ (1993).

requests a waiver of Section 90.495(a)(1) based on the following information.

In its Notice of Proposed Rule Making, the FCC acknowledged the problems that have developed with shared frequencies in the PCP industry and recognized the potential benefits from granting some form of channel exclusivity to PCP systems.² Shared use of channels has discouraged efficient use of spectrum by imposing burdensome costs such as monitoring equipment and has degraded service through problems such as message delays which are often caused by co-channel systems. The Commission concluded that granting exclusivity to qualified licensees will eliminate many of the inefficiencies in the PCP market. As an established operator in the that market, Amtel is committed to providing high quality paging services. Grant of the instant waiver request will ensure that Amtel can continue to provide efficient PCP service.

Amtel has operated a private carrier paging system since 1989. It currently serves approximately 2000 customers throughout eastern Pennsylvania. The system is composed of eleven transmitter sites serving all of the major transportation corridors and metropolitan areas of the region.

Amtel requests exclusive use of its licensed private carrier paging frequency, 929.4625 MHz, at seven of its constructed and operational, contiguous sites.³ Those seven sites are: Sybertsville, Mountaintop, Ransome, Stroudsburg, Allentown, (all licensed to WNQQ423) Dreher Township and Palmerton (both licensed to WNVW982) (See attached license copies). Amtel's system provides seamless coverage throughout eastern Pennsylvania. Its customers require communications capability along the heavily-travelled northeastern extension of the Pennsylvania Turnpike and throughout the metropolitan Allentown, Hazelton, Wilkes-Barre and Scranton areas. Amtel's long-established presence in the industry and its contiguous, overlapping seamless coverage have enabled it to provide a substantial number of subscribers with an attractive service.

As the attached map (Exhibit 1) indicates, each of the sites for which Amtel requests exclusivity is within twenty-five miles of at least one other transmitter in the system, and none of the sites are co-located with another transmitter. However, the distance between Amtel's Stroudsburg and Palmerton locations exceeds the prescribed distance separation by slightly more than one mile. Amtel requests that the FCC waive its requirement in view of this de minimis deviation from the prescribed rule for the reasons described below.

² Notice of Proposed Rule Making, PR Docket No. 93-35, 8 FCC Rcd 2227 (1993). ("Notice").

³ 47 C.F.R. § 90.495(a)(1).

In defining the required number of transmitters needed to apply for exclusivity and the proximity within which they must operate, the Commission's goal was to ensure adequate coverage to the proposed market and to minimize the risk of speculation.⁴ The twenty-five mile maximum distance separation between transmitter sites was intended to be compatible with current PCP technical standards and eliminate signal overlap for high-power operations.⁵

Amtel's system comports with the intent, if not the precise mileage criteria, of the local exclusivity definition. Its system was designed to satisfy the needs of its customers while taking into account the unique topography of the area. The Palmerton and Allentown sites are both situated on mountaintops with ground elevations in excess of 1000 feet. Thus, it was not necessary to locate the transmitters closer to ensure seamless coverage. In fact, almost all of Amtel's sites are located within the various mountain ranges of northeastern Pennsylvania. This limits, somewhat, the flexibility of site selection. Unlike the multitude of building and tower options typical of urban areas, only certain sections of mountaintops are developed. It is not always possible to place a transmitter at a specific distance from the next facility. Moreover, doing so could place the station at a less optimal site on the mountain, with a resulting distorted coverage pattern.

Amtel did not design its system to meet the criterion announced in the instant proceeding. Once the new rules were adopted, Amtel could have licensed an unnecessary and uneconomic "fill-in" site between Palmerton and Stroudsburg. It would not have improved coverage or benefited customers, yet, that site would have made its system eligible for exclusivity. However, Amtel has spent many years and invested considerable funds to create an efficient, high-quality PCP system. Management utilized mountaintop transmitter sites to provide optimal coverage for subscribers and its system reflects those interests of spectral efficiency and contiguous coverage.

Should the Commission determine that Amtel must construct a "fill-in" transmitter between the two sites to obtain exclusivity, Amtel would do so. However, as explained herein, the site would provide duplicative coverage and defeat the FCC's goals of promoting efficiency in the PCP market. If a transmitter situated between Palmerton and Stroudsburg would have enhanced system coverage, it would have been constructed years ago.

As an experienced operator in the PCP industry, Amtel applauds the FCC's recent efforts to promote the efficient development and use of PCP spectrum. The private paging market has changed dramatically since the Commission allocated 929-930 MHz in 1982.


⁴ See, Notice at para. 19.

⁵ Id.

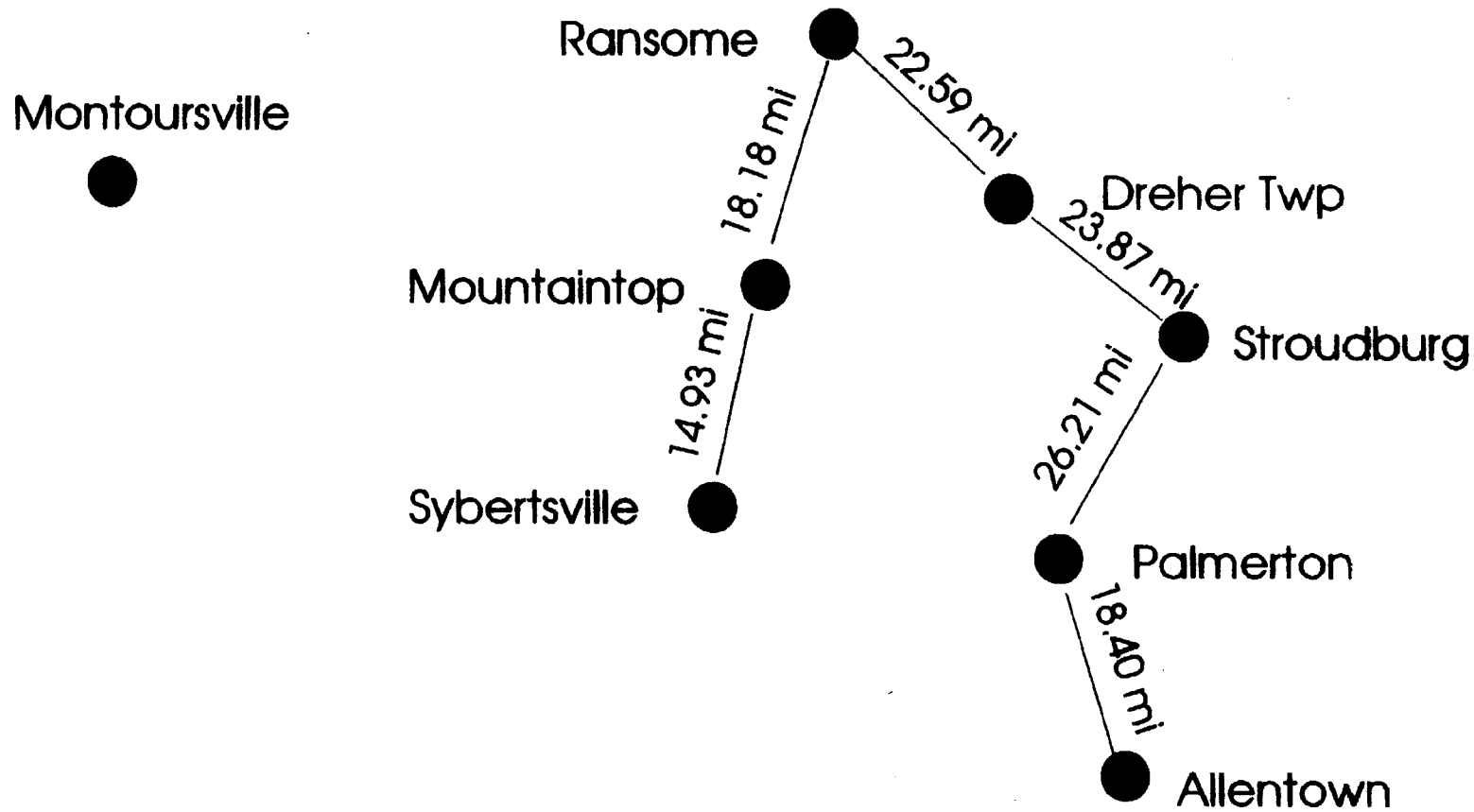
Private paging services are increasingly offered on a wide-scale basis through regional and nationwide systems while the local systems have kept struggled to keep pace with that recent expansion and increased demand for their services. Amtel respectfully requests a waiver of Section 90.495(a)(1) of the Commission's Rules and Regulations to obtain exclusive use of its PCP frequency in order to meet the needs of its current and future customers.

Should NABER or the FCC have any questions or need additional information, it can contact the undersigned.

Very truly yours,



Elizabeth R. Sachs
Bob J. Goldberg



● Summerdale

● Philadelphia

● East York

American Teltronix
929.4625 Mhz Stations

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: **KELLEY, PAUL**

DBA AMERICAN TELTRONIX

Radio Service: **GS PRIVATE CARRIER PAGING**

License Issue Date: **920518**

Call Sign: **WNVW982**

File Number: **9204581028**

License Expiration Date: **970518**

Frequency Advisory No: **920800313**

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers ***2500*

920518M 412 1 12

KELLEY, PAUL DBA
AMERICAN TELTRONIX
4040 BIRNEY AVE
MOOSIC

PA 18507

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	929.46250	FB6C	1	20K0F3E 15K0F2D 16K0F1D	350.000	600.000	2220 HAAT	110 654	41-14-54	075-23-01
2:	929.46250	FB6C	1	20K0F3E 15K0F2D 16K0F1D	300.000	600.000	1523 HAAT	100 930	40-46-53	075-38-30
3:	929.46250	FB6C	1	20K0F3E 15K0F2D 16K0F1D	300.000	1000	1090 HAAT	208 782	40-19-02	076-56-49
4:	929.46250	FB6C	1	20K0F3E 15K0F2D 16K0F1D	300.000	1000	910 HAAT	130 552	40-00-21	076-40-35
TRANSMITTER STREET ADDRESS					CITY		COUNTY		STATE	
1:	LOT 68 BREEZEWOOD ACRES				DREHER TOWNSHIP		WAYNE		PA	
2:	BLUE MOUNTAIN 2.2 MI SW				PALMERTON		CARBON		PA	
3:	BLUE MOUNTAIN 3500 FT NW				SUMMERDALE		CUMBERLAND		PA	
4:	1.2 MI N				EAST YORK		YORK		PA	
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 3: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 3 12 21										
CONTROL POINTS: 4040 BIRNEY AVE MOOSIC PA										
CONTROL POINT PHONE: 717-343-5555										
STATION CLASS SUFFIX C = INTERCONNECT										
STATION CLASS SUFFIX J = TEMPORARY WITH INTERCONNECT										
STATION CLASS SUFFIX K = STAND-BY WITH INTERCONNECT										
STATION CLASS SUFFIX L = ITINERANT WITH INTERCONNECT										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)										
SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

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FEDERAL
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This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: KELLEY, PAUL

DBA AMERICAN TELTRONIX

Radio Service: GS PRIVATE CARRIER PAGING

License Issue Date: 891108

Call Sign: WNQQ243

File Number: 8904651265

License Expiration Date: 941108

Frequency Advisory No: 890580275

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers **2500*

910211S 1 1 2A

KELLEY, PAUL DBA
AMERICAN TELTRONIX
4040 BIRNEY AVE
MOOSIC

PA 18507

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	929.46250	FBC	1	20K0F3E 15K0F2D 16K0F1D	300.000	600.000	2140	100 897	41-10-58	075-52-26
2:	929.46250	FBC	1	20K0F3E 15K0F2D 16K0F1D	300.000	600.000	1820	114 805	41-02-13	076-05-07
3:	929.46250	FBC	1	20K0F3E 15K0F2D 16K0F1D	300.000	350.000	2215	54 1152	41-25-41	075-44-50
4:	929.46250	FBC	1	20K0F3E 15K0F2D 16K0F1D	300.000	600.000	396	380 520	40-03-29	075-14-29
5:	929.46250	FBC	1	20K0F3E 15K0F2D 16K0F1D	300.000	600.000	1008	500 719	40-34-03	075-25-58
6:	929.46250	FBC	1	20K0F3E 15K0F2D 16K0F1D	300.000	600.000	1520	94 922	40-56-14	075-11-04

TRANSMITTER STREET ADDRESS

CITY

COUNTY

STATE

1: 1 MI N	MOUNTAINTOP	LUZERNE	PA
2: NESCOPEK MOUNTAIN .8 MI N OF I80 & SR 93	SYBERTSVILLE	LUZERNE	PA
3: BALD MOUNTAIN 4.5 MI W OF CENTRAL CITY	RANSOME	LACKAWANNA	PA
4: PORT ROYAL AVE & HAGYS MILL SCRANTON RD	PHILADELPHIA	PHILADELPHIA	PA
5: SOUTH MOUNTAIN	ALLENTOWN	LEHIGH	PA
6: FOX GAP MOUNTAIN .5 E OF SR 191 3.5 MI S	STROUDSBURG	MONROE	PA

PAINTING AND LIGHTING SPECIFICATIONS

SITE 2:	SEE ATTACHED FORM 715/715A PARAGRAPHS:	1 3 4 13 21
SITE 4:	SEE ATTACHED FORM 715/715A PARAGRAPHS:	1 3 12 21
SITE 5:	SEE ATTACHED FORM 715/715A PARAGRAPHS:	1 3 4 13 21

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Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: KELLEY, PAUL

DBA AMERICAN TELTRONIX

Radio Service: GS PRIVATE CARRIER PAGING

License Issue Date: 910802

Call Sign: WNVN574

File Number: 9105544152

License Expiration Date: 960802

Frequency Advisory No: 911350074

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers *****2500*

910805N 755 1 12

KELLEY, PAUL DBA
AMERICAN TELTRONIX
4040 BIRNEY AVE
MOOSIC

PA 18507

Station Technical Specifications

FCC I.O.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	929.46250	FB6C	1	20K0F3E 15K0F2D 16K0F1D	350.000	600.000	1980	140	41-12-39	076-57-17
						HAAT		1284		
TRANSMITTER STREET ADDRESS						CITY			COUNTY	STATE
1: 2 MI S						MONTGOMERY			LYCOMING	PA
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 2										
CONTROL POINTS: 4040 BIRNEY AVE MOOSIC PA										
CONTROL POINT PHONE: 717-343-5555										
STATION CLASS SUFFIX C = INTERCONNECT										
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STATION CLASS SUFFIX L = ITINERANT WITH INTERCONNECT										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)										
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